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Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Japan, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Mali, Malta, Nauru, New Zealand, Norway, Portugal, Romania, Samoa, Sierra Leone, Slovakia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution

Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel

The General Assembly,

Recalling its resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Recalling also its resolution 49/59 of 9 December 1994, by which it adopted the Convention on the Safety of United Nations and Associated Personnel,

Recalling further the letter dated 24 October 2000 addressed to the President of the Security Council on behalf of the global staff of the United Nations system,[1] drawing attention to the safety and security problems faced by United Nations and associated personnel,

Recalling the report of the Secretary-General on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel[2] and the recommendations contained therein,

Reaffirming the need to promote and ensure respect for the principles and rules of international law, including international humanitarian law, as well as relevant provisions of human rights and refugee law,

[1] S/2000/1133, annex.
[2] A/55/637.

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Reaffirming also the obligation of all humanitarian personnel and United Nations and associated personnel to respect the national laws of the country in which they are operating, in accordance with international law and the Charter of the United Nations,

Deeply concerned by the increasing dangers and security risks faced by United Nations and associated personnel at the field level, and mindful of the need to provide the fullest possible protection for their security,

Expressing concern that locally recruited personnel are particularly vulnerable to attacks directed at the United Nations,

Welcoming the recent increase in the number of States that have become parties to the Convention, which entered into force on 15 January 1999, and noting that the Convention has been ratified or acceded to by 63 States as at the date of the present resolution,

Mindful of the need to promote the universality of the Convention,

Having considered the report of the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel,[3] established by the General Assembly under its resolution 56/89, and taking account of the discussions in the Sixth Committee,

1. *Expresses its appreciation* for the work done by the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;

2. *Calls upon* all States to consider becoming parties to and to respect fully their obligations under the relevant international instruments, in particular the Convention on the Safety of United Nations and Associated Personnel;

3. *Recommends* that the Secretary-General continue to seek the inclusion of, and that host countries include, key provisions of the Convention, among others, those regarding the prevention of attacks against members of the operation, the establishment of such attacks as crimes punishable by law and the prosecution or extradition of offenders, in future as well as, if necessary, in existing status-of-forces, status-of-mission and host country agreements negotiated between the United Nations and those countries, mindful of the importance of the timely conclusion of such agreements;

4. *Recommends also* that, consistent with his existing authority, the Secretary-General advise the Security Council or the General Assembly, as appropriate, where in his assessment circumstances would support a declaration of exceptional risk for the purposes of article 1(c)(ii) of the Convention;

5. *Confirms* that, consistent with his existing authority, the Secretary-General, who has knowledge of the facts and easy access to the information, may provide information on the request of a State on matters of fact relevant to the application of the Convention, such as the fact and content of any declaration of exceptional risk by the Security Council or the General Assembly or any agreement concluded between the United Nations and a humanitarian non-governmental organization or agency;

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[3] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 52* (A/57/52).

6. *Requests* the Secretary-General to prepare model or standardized provisions for incorporation into the agreements concluded between the United Nations and humanitarian non-governmental organizations or agencies, and if possible to report on progress on this issue before the next meeting of the Ad Hoc Committee, and to make available to Member States the names of organizations or agencies that have concluded such agreements, for the purposes of clarifying the application of the Convention to persons deployed by those organizations or agencies;

7. *Encourages* the Secretary-General and other relevant bodies to continue to take such other practical measures as are within their authority and existing institutional mandates to strengthen the protection for United Nations and associated personnel, including locally recruited personnel, who are particularly vulnerable and account for the majority of casualties of United Nations or associated personnel;

8. *Decides* that the Ad Hoc Committee established under resolution 56/89 shall reconvene for one week from x to x 2003, and shall continue the discussion on measures to enhance the existing protective legal regime for United Nations and associated personnel, including addressing the application of the Convention to all United Nations operations, taking into account the report of the Secretary-General[3] and the discussions in the Ad Hoc Committee;

9. *Requests* the Ad Hoc Committee to submit a report on its work to the General Assembly at the fifty-eighth session;

10. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the measures taken to implement the present resolution;

11. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel".